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May 13, 2021

BY ELECTRONIC FILING

Hon. Lewis A. Kaplan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Anthony Rapp and C.D. v. Kevin Spacey Fowler a/k/a Kevin Spacey  
Southern District of New York, Case No. 1:20-cv-09586 (LAK)

Dear Judge Kaplan:

As the Court knows, we are the attorneys for plaintiffs, Anthony Rapp and C.D. in the above-entitled action. On May 3, 2021, this Court denied the motion by plaintiff, C.D., to proceed anonymously and ordered plaintiff to file an amended complaint containing his name within ten days of Your Honor's Order.

As we had previously informed the Court, C.D. believes he is unable to withstand the scrutiny and intrusion into his life if his identity is revealed in this matter. Indeed, even this Court's decision itself on this issue has prompted multiple news reports in all forms of media, both nationally and internationally. The sudden unwanted attention that revelation of his identity will cause is simply too much for him to bear. Accordingly, at the instruction of our client, we will not be filing an amended complaint in his name.

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We have communicated this to defense counsel, and we anticipate that under the circumstances defendant Spacey will move to dismiss so much of the action as it pertains to C.D. In the interests of judicial economy, we are amenable to such an order being granted without the formality of a written motion.

Under the circumstances, however, we do intend to request, pursuant to Rule 21 of the Federal Rules of Civil Procedure, that C.D.'s action be severed from Mr. Rapp's. If such severance is granted, we further intend to request a stay of Mr. Rapp's action pending an appeal in C.D.'s action. We understand that defendant does not agree with either of our requests.

Accordingly, we respectfully request a conference with the Court so that we may discuss next steps moving forward with this action.

Thank you for your consideration of these issues.

Very truly yours,  
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN & MACKAUF



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Peter J. Saghir